

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, DECEMBER 16<sup>TH</sup>, 2008, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT: Charles Wagner, Chairman  
Wayne Angell, Vice-Chairman  
Leland Mitchell (Left at 5:00 P.M.)  
David Hurt  
David Cundiff  
Russ Johnson  
Bobby Thompson

OTHERS PRESENT: Richard E. Huff, II, County Administrator  
Christopher L. Whitlow, Asst. County Administrator  
Larry V. Moore, Asst. County Administrator  
B. J. Jefferson, County Attorney  
Sharon K. Tudor, CMC, Clerk

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Chairman Charles Wagner called the meeting to order.

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Invocation was given by Supervisor Bobby Thompson.

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Pledge of Allegiance was led by Supervisor David Cundiff.

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Vincent K. Copenhaver, Director of Finance, presented the GFOA Distinguished Budget Award to Jackie Wagner.

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#### **FLOODPLAIN MANAGEMENT AMENDMENTS**

Neil Holthouser, Director of Planning and Community Development, advised the Board in accordance with federal law, Franklin County is required to maintain regulations restricting the development of land within designated floodplains and floodways. In 2008, the Federal Emergency Management Agency (FEMA) and the Virginia Department of Conservation and Recreation (DCR) informed the County that it needed to update its Floodplain Management Ordinance to incorporate new state and federal requirements. These requirements include, among other things: a) new definitions, including the term "Special Flood Hazard Area" (SPHA); b) regulations governing development within SPHAs; c) regulations governing the location of manufactured homes and recreational vehicles in floodplain areas; d) exemptions for designated historic structures; and e) reference to the updated Flood Insurance Rate Map (FIRM) for Franklin County, which is scheduled to become effective on December 16, 2008.

The Board of Supervisors held a public hearing in consideration of this ordinance amendment on November 18, 2008. The Board deferred action until its December 16, 2008, meeting.

The current Flood Insurance Rate Map for Franklin County was developed by FEMA in 2001. The FIRM delineates all areas within Franklin County that are subject to a 1% annual chance of inundation (also known as the "100-year floodplain," and a 0.05% annual chance of inundation (also known as the "500-year floodplain.") In 2008, FEMA embarked on an update to the FIRM for Franklin County. The stated purpose for this update was to digitize the floodplain boundaries in order to produce an electronic version compatible with parcel database, GIS, and web-based applications.

At the outset of this FIRM update, Franklin County was informed by FEMA and DCR that no changes to the floodplain boundaries were anticipated. However, during the map development process, FEMA's contractor encountered difficulties digitizing the existing floodplain shape. To resolve the issue, FEMA's contractor used available contour information to re-delineate the floodplain boundaries around Smith Mountain Lake. This revised floodplain boundary had the effect of removing approximately 550 structures from the designated floodplain (i.e. the floodplain area contracted, compared to the 2001 FIRM.) However, the revised floodplain boundary also included approximately 90 structures, which had previously been shown outside the floodplain on the 2001 FIRM.

As County staff reviewed the proposed 2008 floodplain boundaries, it was discovered that FEMA's contractor had used flawed contour data in certain areas around Smith Mountain Lake. This flawed contour data may have inadvertently included some of the 90 structures within the

floodplain in error. As of this writing, FEMA has not isolated which or how many of the 90 structures were included due to contour error.

FEMA has already printed and distributed copies of the proposed 2008 update to the FIRM for Franklin County. These new maps are scheduled to become effective on December 16, 2008. Franklin County is required to update its Floodplain Management Ordinance, referencing the new FIRM, by the effective date of December 16, 2008. Failure to do so would place the County’s floodplain management program in suspension, potentially affecting existing insurance policies held by property owners in designated floodplain areas.

County staff has formally registered its concerns with FEMA and DCR related to the contour errors contained in the proposed 2008 FIRM for Franklin County. To correct the errors, FEMA has committed to a process to revise the floodplain areas around Smith Mountain Lake that were the subject of the flawed contour data. FEMA has already retained the services of a contractor, which has already begun the process of revision. FEMA will prepare and issue revised map panels for areas impacted by the contour data, through a process known as Physical Map Revision (PMR.) FEMA’s contractor has informed the County that these revised map panels will be available for staff review by late-December or early January. In the meantime, FEMA and DCR have committed to assisting property owners affected by the contour errors on a case-by-case basis to determine whether or not these properties require flood insurance.

In addition to preparing a Physical Map Revision in the short term to correct contour errors, FEMA has committed to another general update of the Franklin County FIRM in 2009. This year-long process will further refine the floodplain boundaries based on more accurate topographical information, and will allow for public input and challenge by individual property owners, as well as review and comment by County staff. At the conclusion of this process, Franklin County will be required to update its Floodplain Management Ordinance to reference a new effective date for the Flood Insurance Rate Map, superseding the map scheduled for adoption on December 16, 2008.

**RECOMMENDATION:**

Staff respectfully requests that the Board of Supervisors approve and adopt the revisions to Chapter 9: Floodplain Management Ordinance, of the Franklin County Code, as presented.

**(RESOLUTION #01-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve and adopt the revisions to County Code Chapter 9: FloodPlain Management Ordinance as previously advertised and public hearing held.

MOTION BY: Russ Johnson  
SECONDED BY: Leland Mitchell  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**PUBLIC COMMENT:**

**CONSENT AGENDA**

**APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – NOVEMBER 18<sup>TH</sup> & 25<sup>TH</sup>, 2008**

**APPROPRIATIONS**

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
E911	Wireless Grant Funds	30- 0160	121,249.00
	Total		121,249.00

**Transfers Between Departments**

Library Operating                      Transfer Software funds from                      7302- 7008                      (9,731)  
Library Westlake Capital                      operating budget to capital fund                      30- 0069                      9,731

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**AWARD OF REPLACEMENT OF HISTORICAL MONUMENT**

The County of Franklin had previously solicited and received bids for the purpose of replacing the Confederate monument which was destroyed in June, 2007. The three (3) bids received on September 29, 2008 were rejected and at the Board’s November 18, 2008 meeting, the Board authorized staff to re-advertise this work.

After determining that it would be in the County’s best interest; The Request for Proposals was re-advertised and on Tuesday, December 9, 2008. Three (3) bids were received for re-constructing the monument on the Courthouse lawn in Rocky Mount, Virginia.

Following are the results of those bids received:

FIRM	BASE BID
Rock of Ages	\$162,949.00
Providence Construction	\$161,500.00
Valley Monument	\$131,000.00

Valley Monument of Vinton, Virginia has submitted a low bid in the amount of \$131,000.00.

**RECOMMENDATION:**

Staff respectfully requests permission to enter into discussion with the representatives of Valley Monument. It is further requested that if all requirements as outlined in the bid documents are addressed, the Board allow County staff to work in conjunction with the County Administrator and County Attorney to proceed with developing the necessary contract documents and authorize work to commence for this project. Funding has been set aside in a special account for this project.

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**AUTHORIZATION TO PURCHASE A REPLACEMENT VEHICLE FOR PUBLIC SAFETY**

The County of Franklin adopted a “Departmental Vehicle Policy” on September 1, 1996, with revisions February 15, 2005. Section 1 of this policy relates to Procurement of County owned vehicles.

Recently, the Franklin County Department of Public Safety lost a vehicle to an automobile collision. As the attached memo explains, this vehicle was declared a total loss. It is requested that the Board consider the approval to replace this vehicle with a used mid-sized (or possible full size) SUV, depending on what is deemed to be the best value. Purchase price is not to exceed the insurance receipt amount of \$20,000.00.

\*It should be noted that the insurance company has retained possession of the 2006 Chevrolet Impala.

**RECOMMENDATION:**

Staff respectfully requests approval to allow the Franklin County Safety Department to proceed with the purchase of the previously discussed vehicle. Funding is available with insurance monies being used for the 2006 Chevrolet replacement.

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**MANDATORY SEWER CONNECTION FOR ALL NEW CONSTRUCTION IN WESTLAKE OVERLAY DISTRICT PUBLIC HEARING**

On September 23, 2008, the Board of Supervisors adopted Chapter 22-110. Subsequent to the meeting it was identified that the ordinance as prepared did not specifically refer to the Westlake overlay district. Mr. Mike McEvoy with Western Virginia Water Authority assisted with a rewrite of the ordinance and those changes are presented for the Board’s review. Franklin County legal counsel has reviewed the recommended changes and approved the recommended language.

Changes specifically address the number of residential connections under paragraph #5 and then adds a new paragraph #8 addressing the mandatory connection requirement in the Westlake overlay.

**RECOMMENDATION:**

It is recommended that the Board authorize the County Administrator to advertise for a public hearing, to adopt the aforementioned correction and new sewer section of the code concerning mandatory sewer hookup.

Sec. 22-110. General procedures.

- (a) *Mandatory connection of new construction to the Franklin County Public Sewer System.*
- (1) No person shall make any connection to the Franklin County Public Sewer System or alter any fixtures so connected without first having received written approval from the Department of Public Works, its successors or assigns.
- (2) New structures and/or facilities shall be defined for the purposes of Franklin County Code section 22-110(a) as those which obtain a building permit following the passage of section 22-110 by the Board of Supervisors. New subdivisions and development for the purposes of section 22-110(a) shall be defined as those which are reviewed, approved, or permitted by the Franklin County Planning Commission, Board of Supervisors, Planning and Community Development Department, or Building Official, or their successors or assigns following the passage of section 22-110(a) by the Board of Supervisors.

(3) New sewer systems for the purposes of offering such systems to the county for dedication and ownership according to Franklin County Code section 22-110 (b) and chapters 22, 19, and 25 shall be defined as those which are reviewed or approved by the Franklin County Planning and Community Development Department or the Public Works Department, or their successors or assigns, following the passage of sections 22-110 (b) by the Board of Supervisors.

(4) All new structures and/or facilities which are located within three-hundred (300) linear feet of the county's public sewer system (as measured from the closest point of the structure to the edge of an easement or right-of-way including the public sewer distribution system) shall be required to connect to the county's public sewer system. The connection of such premise to the county's public sewer system shall not be required when access to the affected property requires the crossing of another property without an available easement, provided that county property and the property of the Virginia Department of Transportation shall be exempted.

(5) All new structures and/or facilities, subdivisions, and developments with ~~two (2)~~ **three (3)** to fourteen (14) equivalent residential connections (ERCs) having a property line within six-hundred (600) linear feet of the county's public sewer system (as measured from the closest point of the property line to the edge of an easement or right-of-way including the public sewer distribution system) shall be required to connect to the county's public sewer system.

(6) All new structures, facilities, subdivisions, and developments with fifteen (15) or greater equivalent residential connections (ERCs) shall be required to connect to the county's public sewer system if they meet the following distance requirements for the number of applicable lots or ERCs (the distance measured from the closest point of the property line to the edge of an easement or right-of-way including the county's public sewer distribution system):

TABLE INSET:

<i>Number of Lots or ERCs</i>	<i>Required Extension (Linear Feet)</i>
15-20	1,000
25	1,250
30	1,500
35	1,750
40	2,000
45	2,250
50	2,500
60	3,000
70	3,500
80	4,000
90	4,500
100	5,000
125	6,250
150	7,500

The county shall require up to 1,000 linear feet (L.F.) extension for 15--20 lots or ERCs, and each lot or ERC over 20 shall require an additional 50 L.F. extension. The maximum extension required is 7,500 L.F.

(7) Structures and/or facilities, subdivisions, and developments existing at the time of the passage of this ordinance (section 22-110(a)) are exempt from the requirement to connect to the county public sewer system so long as the septic tank or sewer system serving the property with sewage disposal meets the requirements of the Virginia Department of Health. The county may impose a connection fee, a front footage fee, and/or a monthly nonuser service charge that shall not be more than that proportion of a minimum monthly user charge as debt service compares to the total operating and debt service costs. In the event of a privately owned septic tank or sewer system failure as determined by the Virginia Department of Health, existing structures and facilities which were served by the failed septic tank or sewer system shall be required to connect to the county public sewer system if they meet the aforementioned vicinity and distance requirements for new structures and/or facilities, subdivisions, and developments.

(b) *Transfer of approved sewer systems to ownership by Franklin County.* The developer and/or owner of any new sewer system in Franklin County which is designed to serve three (3) or greater equivalent residential connections (ERCs) shall assure that such new sewer system meets all required standards of chapter 22, shall seek and obtain approval of the design and its

construction by the Public Works Department or its successors and assigns, shall not supply sewer until the new sewer system receives such approvals, and, as a condition precedent to subdivision or site plan approval under chapters 19 and 25 of the Franklin County Code, shall offer such new system at no cost to the County of Franklin for dedication and ownership. The developer and/or owner of any such new sewer system shall follow all applicable regulations and policies of the County of Franklin and shall seek all required approvals for the planning, development and construction of the sewer system. Franklin County may consider acceptance of systems which are offered for dedication and ownership based on an analysis of the sewer system and its location. Those systems which are within 7,500 linear feet of the existing county public sewer system and/or within the anticipated county sewer service area are higher priority candidates for acceptance by the county. The anticipated county sewer service area and other criteria for acceptance may change over time at the discretion of the Board of Supervisors. Franklin County may accept or reject the ownership of any such sewer system offered to it according to the policies approved by resolution or ordinance. Any new sewer system built solely within the boundary limits of the Towns of Boones Mill or Rocky Mount or the service area of the Ferrum Water and Sewage Authority shall not be required to be offered by the developer and/or owner to Franklin County.

(8) All new development, as defined by 22-1109 (2), constructed in the Westlake Overlay District shall be required to connect to sanitary sewer. The requirement to connect to public sewer may be waived if the connection would exceed the criteria defined in 22-1109 (4), (5), or (7).

(Ord. of 11-19-96, Ch. II, § II-6; Ord. of 2-15-05(1))

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### **SPAY/NEUTER ASSISTANCE FUND**

In May 2008, staff presented a request to apply for a spay/neuter assistance grant to the Board of Supervisors that was available through PetSmart Charities. Staff is pleased to report that the grant was awarded in the amount of \$10,000 on Nov. 17, 2008 and those funds have been received. The grant funds may only be used to provide pre-adoption spay/neuter assistance to county residents that adopt from the animal shelter.

In 2006, staff presented a report to the Board of Supervisors that outlined goals and objectives to reduce the number of owner- surrendered animals at the shelter. The plan outlined a two-phase program to address the owner-surrender problem. The first phase was the creation of the Adoption Specialist position to network with local animal rescue groups, to increase adoption efforts at the shelter, and to promote responsible pet ownership. The second phase of this project included a Spay/Neuter Assistance Program to address the number of owner-surrender animals dropped off at the shelter as a result of indiscriminate breeding.

Public Safety has worked diligently to reduce the euthanasia rate at the county animal shelter in a combined effort with local volunteer animal rescue groups and the humane society. Through these efforts, the euthanasia rate has dropped from greater than 90% to less than 50%. Although improvements have been made, and the euthanasia rates are significantly lower, the second phase of the 2006 report should be implemented to address the amount of owner surrender animals received at the shelter and to realize continued improvement in the euthanasia rate. A spay/neuter assistance program is needed to reduce the amount of unwanted animals in the county. Staff and volunteers at the shelter have formulated a plan to implement the Spay/Neuter Assistance Program.

The spay/neuter assistance program will offer assistance in two ways. First, residents that adopt animals from the shelter may apply for pre-adoption spay/neuter assistance. State law requires animals adopted from the shelter to be spayed/neutered within 30 days of adoption or when the animal has reached breeding age. By offering assistance with the spay/neuter procedure, adoptions from the shelter will increase as residents sometimes cannot afford to comply with the law and forego adoption. PetSmart Grant funds will be used to provide funding to support this part of the program. Second, residents may apply for spay/neuter assistance for animals they already own but cannot afford to have spayed or neutered. This part of the program will address the owner-surrender animal problem at the shelter that results from indiscriminate breeding practices. Donations and dog license revenues will be used to support this part of the program.

State legislation currently allows localities to commit dog license fees to provide spay/neuter assistance. As a result, Franklin County changed the dog license calculation method in 2007. This change resulted in a \$23,500 increase in license sales as of October 2008. In addition, citizens have contributed to the Spay/Neuter fund and these donations total \$3,082.55.

Draft copies of the spay/neuter assistance application and voucher are attached to this summary. All of the veterinarians listed as well as Planned Pethood have agreed to accept these vouchers. The spay/neuter application will be issued to residents to determine if they qualify for assistance in providing spay/neuter procedure costs. Once approved, a voucher is issued to the resident where it is presented to the veterinarian when the payment is rendered. The veterinarian presents the voucher to the county for reimbursement from the spay/neuter assistance fund. Each voucher has a tracking number to prevent duplication and it must be issued by the Adoption Specialist or Animal Control Officer to the owner of the animal.

In researching the qualification criteria for the program, staff studied other assistance programs in the area to determine applicant qualification criteria. The criteria below is suggested by staff and comes from the Franklin County School Board. The amounts listed are those that qualify residents for reduced school lunch benefits and spay neuter assistance will only be made available to Franklin County residents.

Spay Neuter Assistance income criteria:

Household size	Annual	Monthly	Weekly
1	\$19,240	\$1,604	\$370
2	\$25,900	\$2,159	\$400
3	\$32,560	\$2,714	\$627
4	\$39,220	\$3,269	\$755
5	\$45,880	\$3,824	\$883
6	\$52,540	\$4,379	\$1,011
7	\$59,200	\$4,934	\$1,139
8	\$65,860	\$5,489	\$1,267

The spay/neuter assistance amount issued would be based on the sex of the animal. A male neuter request would receive \$25 and a female spay request would receive \$35.

For budget purposes, it is difficult to estimate how much start up revenue should be allocated. PetSmart Grant funds should be allocated to support the pre-adoption aspect of the program. Since 2005, records show that the animal shelter adopted 39 animals per month on average. If half of these adoptions qualified for assistance, the majority of the PetSmart Grant funds would be depleted within the first year.

Animal Control officers encounter numerous unaltered animals during their patrols. \$3,082.55 in spay/neuter donations exist and those funds should be released to support the second part of the program as they were donations received to apply for spay/neuter assistance. Public Safety requests \$5,000 of the uncommitted dog license revenue to be allocated in addition to the donations to support the second part of the spay/neuter assistance program. This would create a start up balance of \$8,032.55. Unspent budgeted funds derived from license sales may be used to offset animal control operations if not used for spay/neuter assistance. For ongoing budgetary purposes, the amount of funding allotted for spay/neuter assistance should be based on the amount spent on the program the previous fiscal year. Dog license revenues should be applied toward spay/neuter assistance to maintain it as an ongoing program.

**RECOMMENDATION:**

Staff respectfully recommends that the Board of Supervisors approve the creation of the Spay/Neuter Assistance Program and allocate donated revenues for initial funding. Staff also requests that future dog license revenues be allocated toward the continuation of the program once donated revenues and grant funds are depleted. The two separate funds will be managed as “not to exceed” funds on a first come, first served basis as funding permits.

**SPAY/NEUTER VOUCHER**

00001  
FRANKLIN COUNTY ANIMAL CONTROL  
PO BOX 189

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ROCKY MOUNT VA 24151  
(540) 483-7440  
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Serial #

**Expiration Date:**

Impound #

**PET OWNER INFORMATION**

Owner's Name \_\_\_\_\_ Phone # \_\_\_\_\_  
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Address \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

I (we) hereby agree(s) to at all times release and hold harmless Franklin County Animal Control. Its officers, director, members, agents and assigns from and against any and all claims, liabilities, losses, damages, charges, fees and expenses of every nature and character which I (we) may sustain or incur by reason or on account of the spaying or neutering of my (our) animal(s) described above. I (we) understand that the Franklin County Animal Control's only involvement and purpose is to provide funds (with or without contributions from animal owners) for the spaying and neutering of domestic animals. Accordingly, I (we) hereby issue this release from liability. I (we) further agree to execute whatever documents are required by the Doctor(s) or Veterinary Medicine who are to perform the spaying and neutering on my (our) pet.

Signature \_\_\_\_\_ Date \_\_\_\_\_

ANIMAL TYPE	VOUCHER AMOUNT
CAT or DOG (Female)	\$35
CAT or DOG (Male)	\$25

THE AMOUNT LISTED ABOVE IS FOR SURGERY COST ONLY.  
THIS VOUCHER HAS NO MONETARY VALUE. IT IS ONLY GOOD TO REDUCE THE COST OF THE SPAY/NEUTER PRICE AT PARTICIPATING VETERINARIANS.

- Any office visit charges, examination fees, additional charges for surgical complications or females in heat or pregnant, required vaccination cost, or any veterinary services you request are your financial responsibility.

Select the veterinarian of your choice from the list below:

PARTICIPATING VETERINARIANS			
Franklin County Animal Hospital 17068 Virgil H. Goode Hwy Rocky Mt., VA 24151 540-483-1272	Smith Mountain Lake Animal Hospital 15029 Moneta Rd Moneta, VA 24121 540-297-9188	Noah's Ark Animal Complex 1210 Callaway Rd Rocky Mount VA 24151 540-483-1791	Pet Clinic of Rocky Mount 1495 N. Main St Rocky Mt., VA 24151 540-483-1777
Planned Pethood Clinic 18401 Virgil H. Goode Hwy Rocky Mt., VA 24151 540-489-3491	Westlake Veterinary Medical Center 15 Executive Dr Moneta, VA 24121 540-721-1557	Pell Animal Clinic 600 Old Franklin Tpke. Rocky Mt., VA 24151 540-483-7444	

\*\*\* THIS SECTION FOR VETERINARIAN USE ONLY

Procedure performed: Please check one  
Please check one  

☐ Male Cat Neuter \$25  
☐ Male Dog Neuter \$25  
Clinic  
☐ Female Dog Spay \$35  
Animal Hospital  
☐ Female Cat Spay \$35  
Center  
  
Animal Complex  
  
Rocky Mount  
\*\*\*\*\*  
Signature of Veterinarian:

Veterinary Hospital:  
☐ Franklin Co. Animal Hospital  
☐ Planned Pethood  
☐ Smith Mtn. Lake  
☐ Westlake Vet Medical  
  
☐ Pell Animal Clinic  
☐ Noah's Ark  
  
☐ Pet Clinic of

Mail COMPLETED WHITE COPY to: FCDPS, PO BOX 189, ROCKY MOUNT VA 24151 for payment

White = Public Safety copy      Yellow = Pet Owner copy      Pink = Veterinarian copy  
Green = Shelter copy

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**(RESOLUTION #02-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented above.

MOTION BY: Russ Johnson  
SECONDED BY: David Cundiff  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**VDOT – CLASS IV ROADS DISCONTINUANCE**

Tony Handy, Resident Administrator, VDOT, presented the Board with the following resolution for their consideration:

- Mount Airy Road (Route 635) Boone District

- Sigmon Road (Route 837) Blue Ridge District
- Will Hill Road (Route 837) Blue Ridge District

**RESOLUTION**

WHEREAS, Secondary Route 635, Mount Airy Road, from 0.56 miles East of the Intersection of Route 678, to 0.24 miles West of the intersection of Route 680, a distance of 0.60 miles, appears to no longer serve public convenience warranting its maintenance at public expense and should be discontinued as a part of the Secondary System of Highways.

NOW, THEREFORE, BE IT RESOLVED, the Virginia Department of Transportation is hereby requested to take the necessary action to discontinue aforesaid portion of Route 635 as part of the Secondary System of State Highways, pursuant to §33.1-150, Code of Virginia, 1950, as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Administrator of the Virginia Department of Transportation.

**RESOLUTION**

WHEREAS, Secondary Route 837, Sigmon Road, from 0.35 miles West of the Intersection of Route 606, to the intersection of Route 767, a distance of 0.34 miles, appears to no longer serve public convenience warranting its maintenance at public expense and should be discontinued as a part of the Secondary System of Highways.

NOW, THEREFORE, BE IT RESOLVED, the Virginia Department of Transportation is hereby requested to take the necessary action to discontinue aforesaid portion of Route 837 as part of the Secondary System of State Highways, pursuant to §33.1-150, Code of Virginia, 1950, as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Administrator of the Virginia Department of Transportation.

**RESOLUTION**

WHEREAS, Secondary Route 771, Will Hill Road, from 0.74 miles North East of the Intersection of Route 768, to the intersection of Route 767, a distance of 1.6 miles, appears to no longer serve public convenience warranting its maintenance at public expense and should be discontinued as a part of the Secondary System of Highways.

NOW, THEREFORE, BE IT RESOLVED, the Virginia Department of Transportation is hereby requested to take the necessary action to discontinue aforesaid portion of Route 771 as part of the Secondary System of State Highways, pursuant to §33.1-150, Code of Virginia, 1950, as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Administrator of the Virginia Department of Transportation.

**(RESOLUTION #03-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned resolution as presented.

MOTION BY: David Cundiff

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**CLEMENTS MILL BRIDGE UPDATE**

Tony Handy, Resident Engineer, VDOT, stated he did not have any further data regarding Clements Mill Bridge since the last Board meeting, however, he would keep the Board abreast of any further developments.

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**RURAL ADDITIONAL ROAD VIEWERS REPORT**

Tony Handy, Resident Engineer, VDOT and Aaron Burdick, Senior Planner/Current Planning Manager presented the following 2008 Rural Addition Board of Road Viewers Recommendation: The Rural Addition Board of Road Viewers convened on Wednesday, November 19, 2008. Upon visiting each road and conferring, the Road Viewers ranked the road candidates in the following order for acceptance into the state system:



- 1. Big Oak Lane, Union Hall Magisterial District
- 2. Paradise Acres Drive, Gills Creek Magisterial District  
Contingent upon it serving 3 homes (VDOT requires a minimum of 3 homes to consider a road for acceptance in the state system).
- 3. Baker Lane, Rocky Mount Magisterial District
- 4. Dilly Valley Lane, Blue Ridge Magisterial District
- 5. Hidden Country Lane, Boone Magisterial District
- 6. Cherry Hill Lane, Snow Creek Magisterial District

The Board of Supervisors can accept Big Oak Lane as the 2008 Rural Addition, or it can reprioritize the list. Staff is working with VDOT to prepare a resolution for the December 16, 2008 Board of Supervisors meeting. Once the resolution has been signed, staff will begin working with the homeowners along the selected road and VDOT to begin the process of bringing that road into the state system. If complications arise with the top priority, staff begins to work with the next highest ranked road.

*Department of  
Planning &  
Community  
Development*

**2008 Board of Road Viewers Recommendation**

**Voting Breakdown by Road Candidate**

	1	2	3	4	5	6
Baker Lane	0	0	3	0	1	1
Big Oak Lane	4	1	0	0	0	0
Cherry Hill Lane	0	0	0	3	0	2
Dilly Valley	0	0	1	3	1	1
Hidden Country Lane	0	0	1	0	3	1
Paradise Acres Drive*	1	4	0	0	0	0

\*Contingent upon it serving 3 homes

**Final Board of Road Viewers Ranking After Deliberation**

- 1 Big Oak Lane
- 2 Paradise Acres Lane
- 3 Baker Lane
- 4 Dilly Valley Lane
- 5 Hidden County Lane
- 6 Cherry Hill Lane

**(RESOLUTION #04-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned Rural Addition Road Viewer’s recommendation as presented.

MOTION BY: David Cundiff

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**STEP GROUP WORK CAMPS DONANTION**

Jon Morris, Executive Director, STEP, Inc., advised the Board STEP is partnering with Ferrum College to bring Group Workcamps to Franklin County. Mr. Morris stated Group Workcamps is a faith-based foundation that will bring 400 young and adult volunteers from around the country to Franklin County. The volunteers will repair and perform minor renovations for 75-90 elderly and low-income homes. Some of the work will include building wheelchair ramps, painting, repairing steps and porches, and even some weatherization to make the homes more energy efficient. Mr.

Morris advised the Board STEP, Inc. needed to raise \$20,000 to purchase needed supplies and materials and informed the Board the Group Workcamps will also provide \$20,000 to purchase supplies as well. In closing, Mr. Morris requested the Board to donate \$1,000 to help with the fund raiser.

**(RESOLUTION #05-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appropriate \$1,000 to STEP, to assist with bringing Group WorkCamps to Franklin County as presented.

MOTION BY: Wayne Angell  
SECONDED BY: Russ Johnson  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Cundiff, Angell, & Johnson  
ABSTAINED: Thompson & Wagner

THE MOTION PASSED WITH A 5-0-2 VOTE.

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**CEED PROJECT(\$839,334) & GLADE HILL ELEMENTARY(\$69,850) APPROPRIATIONS**

Dr. Charles Lackey, Superintendent of Schools, presented the following school capital project funding requests for the 2008-2009 fiscal year.

Center for Energy Efficient Design Project (CEED)  
Advantages of the Project

Instructional Advantages:

- (1) Offers an additional career-oriented option for students to study
- (2) Offers the ability to better utilize the energy efficiency equipment already sited at the Gereau Center such as the windmills and solar cells
- (3) Offers the ability to better utilize and demonstrate LEED construction technologies such as geothermal, solar hot water, gray water recycling and usage, rainwater harvesting, photovoltaics (solar cells), wind power, passive solar and usage of recycled materials in construction
- (4) The facility can be used by local contractors to learn how to incorporate LEED technologies in future construction projects – commercial and residential
- (5) Curriculum and energy measuring equipment can be linked to the internet for U. S. and world-wide study
- (6) The Federal government will soon launch a renewed emphasis on the usage of the technologies that we plan to employ in this project

Financial Advantages:

- (1) We can invest \$417,189 in uncommitted school bond issue interest and contingency in this project matched with \$409,937 in Federal grants, \$10,000 in Appalachian Power Company grants and \$2,208 in other school funds to construct a facility that is worth at least \$1,076,741 (cost \$839,334 plus \$237,407 in additional in-kind donations). The \$417,189 is approximately 38.7% of the total project cost. The school division has never had a construction project that provided this amount of outside matching leverage.
- (2) The Federal grants of \$409,937 and \$10,000 from Appalachian Power Company are currently available, if we do not delay the project. Federal and corporate grants will probably become more difficult to obtain in the future.
- (3) We expect to receive an estimated \$150,000 in additional grants and in-kind donations of energy and LEED technology equipment items beyond the \$237,407 cited above.
- (4) We have a Design-Build firm that is willing to donate almost all of their architectural, engineering and general contractor services to the project.

Other Advantages:

Franklin County will have a Platinum Level LEED Certified Technology Demonstration Project for the use of its students, businesses and citizens.

Revenues:

Interest Earned on Windy Gap Financing:	
VA SNAP 10/31/08	\$ 538,718
BB & T 10/31/08	79,898
Additional Interest to be Earned	<u>22,760</u>
Total	641,376
Less Interest Originally Committed to Windy Gap	<u>(343,972)</u>
Balance of Uncommitted Interest	297,404
Uncommitted Windy Gap Construction Contingency	189,635
Federal Department of Energy Grant (11/23/04)	213,137

Federal Department of Energy Grant (12/26/07)	196,800
Donations – Appalachian Power Co.	10,000
Other School Funds	<u>2,208</u>
Total Revenues	<u>\$909,184</u>
Proposed Expenditures:	
CEED Project at The Gereau Center	839,334
Glade Hill Water Storage Tank Project	<u>69,850</u>
Total Proposed Expenditures	<u>\$909,184</u>

General discussion ensued.  
**(RESOLUTION #06-12-2008)**  
BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Glade Hill Water Storage Tank Project **(\$69,850)** and to table the CEED Project.  
MOTION BY: David Cundiff  
SECONDED BY: Russ Johnson  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Cundiff, Johnson, & Wagner  
NAYS: Angell & Thompson  
THE MOTION PASSED WITH A 5-2 VOTE.

\*\*\*\*\*  
**AG DEVELOPMENT BOARD RECOMMENDATION**  
David Cundiff, Union Hall District Supervisor, shared with the Board the Ag Development Board Recommendation as follows:

Subject: Proposed Candidates for the Franklin County Agricultural Development Board

At its November meeting, the Franklin County Board of Supervisors approved the creation of the Franklin County Agricultural Development Board and asked the Planning Team to submit suggestions for members of the Agricultural Development Board.

As requested, members of the Franklin County Agricultural Progress Planning Team met on Tuesday, December 9, to develop a list of candidates for service on the Franklin County Agricultural Development Board. Active agricultural producers were considered for each category as defined by the Agricultural Development Board bylaws. Seeking to establish a diverse board representative of the region, the proposed board was assessed regarding gender, race, age, and geographic location. Each candidate has been contacted and has agreed to serve if approved by the Franklin County Board of Supervisors.

Category as defined by the Agricultural Development Board Bylaws	Recommendation	Contact Information
Cattle	Eddie Shelton	540-5476-5351
Crops/Grain/Hay	Charlie Brown	
Crops/Produce/Organic	Denny Robey	540-483-7172 540-483-5667 (work)
Dairy	Mark Barnhart	540-420-7122
Equine	Sally Moore	540-365-2865 (home) 540-420-0013 (cell)
Forestry	Sherrard Holland	
Horticultural	Keith McConnell	
Tobacco	Steve Mitchell	
Viticulture/Orchard	Alvin Wray	540-334-2845
At-large (2 members)	Connell McEnheimer Donnie Montgomery	

Once approved, the newly appointed Agricultural Development Board will meet and appoint all non-voting members as defined by the bylaws.

Respectfully submitted,  
Franklin County Agricultural Progress Planning Team

Beverly Cox  
 David Cundiff  
 Tony Hutchins  
 Tim Johnson  
 Scott Martin  
 Diane O'Malley  
 Roger Seale  
 Eddie Shelton  
 Debbie Shelton  
 Ronnie Shelton

**(RESOLUTION #07-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Ad Board Panel as presented.

MOTION BY: Russ Johnson

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Angell, Johnson, Thompson & Wagner

ABSTAINED: Cundiff

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Russ Johnson, Gills Creek District Supervisor, shared with the Board an example of an Application for FY'09 Agribusiness Funding through Community Colleges.

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**TIRE DISPOSAL FEES**

Larry Moore, Assistant County Administrator, stated Franklin County is served by a County maintained Landfill which meets the needs of its citizens. It has been identified that the current tire fee schedule for the County Landfill does not cover existing costs. The reason for the proposed increases is to fund rising capital costs and allow the budget to include for the closure/construction of the Landfill.

It costs Franklin County \$98.00 per ton to dispose of tires and we can get approximately 75 tires per ton depending on the size of the tires. However, several tire vendors have found it is more favorable for them to send their tires (particularly large tires) to the Landfill than dispose of them because our current fee is \$1.00 per tire with no specifics as to type or size.

Franklin County Code Chapter 18-15 – Disposal of Fees was last amended on June 15, 2004. The current Code language states the following:

(a) Fees associated with the disposal of waste using County facilities will be established by resolution of the Franklin

County Board of Supervisors. Adjustments in fees may be recommended from time-to-time by solid waste management staff to the Board of Supervisors for their consideration, based upon current circumstances. Any fee schedule adopted by the Board of Supervisors will indicate the date of adoption and the most recently adopted fee schedule shall be prevailing charges for the items listed and approved.

(b) The fees prescribed in this section shall be due and payable prior to the disposal of any solid waste enumerated above and shall be collected by the superintendent of the Landfill prior to deposit at the Landfill. Corporate and/or regular users of the Landfill will be permitted to arrange a monthly payment procedure satisfactory to the County Administrator.

Tire disposal fees at the Landfill have remained the same for October 1, 1998. At the same time disposal fees to the County have increased. For the FY 07/08 tire recycling costs were \$42,000.00 and recycled tire receipts were \$12,000.00 representing a loss of \$30,000.00. By increasing tire disposal fees, we can offset this loss. Franklin County does not charge for collection of other recycled goods including white goods, plastic and aluminum.

Currently, we pay \$98.00 per ton to have US Tire pick up and dispose of our Landfill tires at a Charlotte, NC facility. Other sources of disposal have been researched such as shredding and compaction cover. These options were determined not to be feasible due to the limited tonnage of tires being disposed through the Landfill.

**RECOMMENDATION:**

It is respectfully recommended that the Board of Supervisors adopt a resolution setting the fee for tires at the Landfill as follows:

**\$2.00** per passenger/light truck or small tires  
**\$4.00** per tire for tires used for a truck or trailer having a gross weight of 15,000 lbs. or more and manufactured for larger vehicles or commercial use  
**\$6.00** per tire for construction or heavy equipment as well as large tractor tires over 20".

Counties	Tire Fees	Comments
Bedford County	resident - 8 tires free/yr. After 8 - <b>\$1.00</b> per tire <b>\$1.00</b> per tire Oversized -- <b>flat \$125.00</b> /ton	
Botetourt County	<b>\$2.00</b> passenger <b>\$5.00</b> per truck & tractor	
City of Salem	does not accept tires	Trash goes to Amelia
Floyd County	<b>\$3.00</b> passenger (≤ 16") <b>\$4.00</b> bias ply tire (> 16" & ≤ 20") <b>\$8.00</b> radial ply tire (> 16" & ≤ 20") <b>\$18.00</b> tractor-trailer/off road/ agricultural implement tires (> 20")	Municipal/ Commercial/ Industrial Solid Waste
Franklin County	<b>\$1.00</b> / tire	<b>Proposed:</b> <b>\$2.00</b> / passenger/light truck or small tires <b>\$4.00</b> / truck/trailer tires ≤ 15,000lbs. <b>\$6.00</b> / construction, heavy equipment & tractor tires
Henry County	\$3.00/tire	Transfer station run by First Piedmont
Montgomery County	only take tires on Wed. from 8-12 small tire - \$1.00 with rim \$7.00 medium tire - \$2.00 with rim \$8.00 with split rim - \$17.00 large tire - \$5.00 with rim \$11.00 with split rim - \$20.00 off road tires - \$40.00	Trash to C'burg to transfer station to Pulaski
Pittsylvania County	<b>\$43.20</b> / ton - split tires only	Do not accept whole tires
Roanoke County	<b>\$55</b> /ton -- <b>\$2.00</b> per tire	

**(RESOLUTION #08-12-2008)**  
BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned tire fee schedule as presented.  
MOTION BY: Bobby Thompson  
SECONDED BY: David Cundiff  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner  
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**WESTLAKE WASTEWATER SYSTEM PURCHASE**  
Vincent Copenhaver, Finance Director, presented the following resolution for the Board’s consideration:

**EXHIBIT A**  
**R-1** **REGISTERED**

**UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
  
COUNTY OF FRANKLIN, VIRGINIA  
WASTEWATER SYSTEM REVENUE BOND  
(WESTLAKE PROJECT) SERIES 2008**

<b><u>INTEREST RATE</u></b> [3.75]%	<b><u>DATED DATE</u></b> December __, 2008	<b><u>MATURITY DATE</u></b> December 15, 2009
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**REGISTERED OWNER****SUNTRUST BANK****PRINCIPAL AMOUNT****[Three Million and 00/100 Dollars (\$3,000,000)]**

**THE COUNTY OF FRANKLIN, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County"), for value received, promises to pay, solely from the revenues and other property pledged therefore, to the payment of this Bond, to the registered owner of this Bond or its legal representative, the principal sum stated above, together with interest thereon which shall accrue at a rate equal to three and [three quarter] percent ([3.75]%) per annum. Interest only on the outstanding principal amount of this Bond shall be payable by the County on July 15, 2009 and interest and the entire principal balance on this Bond, together with all other amounts payable with regard to the Bond, shall be due and payable by the County in full on December 15, 2009. The Bond may be prepaid in whole at any time by the County prior to maturity without premium or penalty. The principal of and interest on this Bond is payable in lawful money of the United States. Unless this Bond is earlier prepaid, all amounts then due and payable in connection with this Bond shall be due and payable in full on December 15, 2009.

The principal balance of this Bond shall be equal to the principal amount stated above, less the aggregate amount of the payments of principal which may have been made on this Bond prior to retirement. No notation is required to be made on this Bond of the payment of principal. **HENCE, THE FACE AMOUNT OF THIS BOND MAY EXCEED THE PRINCIPAL SUM REMAINING OUTSTANDING AND DUE HEREUNDER.**

The issuance of this Bond has been duly authorized by the Board of Supervisors of the County by a resolution adopted on December 16, 2008 (the "Resolution"), in accordance with the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended. This Bond is issued pursuant to the terms of the Resolution to evidence an interim financing arrangement provided by SunTrust Bank to the County in anticipation of the establishment of a permanent term financing arrangement with the Virginia Resources Authority ("VRA") on behalf of the County in the Spring of 2009. The County will use the proceeds of the Bond, along with other available funds, if any, to finance the acquisition of a wastewater treatment system located in the Westlake Overlay area of Franklin County, Virginia (the "Wastewater System") and related costs and expenses (the "Project").

The Bond is a limited obligation of the County and is payable exclusively from the revenues, derived by the County from the ownership of the Wastewater System and other amounts pledged or provided by the County in accordance with the Resolution. The Wastewater System will be operated and managed on behalf of Franklin County by the Western Virginia Water Authority (the "Authority"), and the Authority will maintain and administer such revenue for the benefit of the holder of this Bond pursuant to the terms and conditions of a Support Agreement dated as of December 15, 2008 by and among the County, the Authority, SunTrust and VRA (the "Support Agreement"), the County has also undertaken a non-binding obligation to appropriate such amounts as may be requested by the County Administrator from time to time to cure deficiencies in payments due on this Bond, as described in the Support Agreement, to the fullest degree and in such manner as is consistent with the Constitution and the laws of the Commonwealth of Virginia.

**NEITHER THE COMMONWEALTH OF VIRGINIA NOR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING THE COUNTY AND THE AUTHORITY, SHALL BE OBLIGATED TO PAY THE PRINCIPAL OF OR INTEREST ON THIS BOND OR THE OTHER COSTS INCIDENT TO IT EXCEPT FROM THE REVENUES AND ANY OTHER MONEY OR PROPERTY PLEDGED FOR SUCH PURPOSE, AND NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE COMMONWEALTH OF VIRGINIA OR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING THE COUNTY AND THE AUTHORITY IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF OR INTEREST ON THIS BOND OR OTHER COSTS INCIDENT TO IT. THE ISSUANCE OF THIS BOND DOES NOT DIRECTLY, INDIRECTLY OR CONTINGENTLY OBLIGATE THE COMMONWEALTH OF VIRGINIA OR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING THE COUNTY AND THE AUTHORITY, TO LEVY ANY TAXES FOR THE PAYMENT OF THIS BOND.**

Pursuant to the Resolution, this Bond has been designated by the County as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, including regulations pursuant thereto (the "Code").



The obligations of the County under this Bond shall terminate when all amounts due and to become due pursuant to this Bond have been paid in full. This Bond may be prepaid in whole, but not in part.

This Bond may be transferred only by an assignment duly executed by the registered owner or such owner’s attorney or legal representative in form satisfactory to the County Administrator, as registrar. Such transfer shall be made in the registration books kept by the County Administrator, as registrar, upon presentation and surrender of this Bond.

It is certified and recited that all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to the issuance of this Bond have happened, exist or been performed in due time, form and manner as so required and that the indebtedness evidenced by this Bond is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

**IN WITNESS WHEREOF**, the Board of Supervisors of the County has caused this Bond to be signed by its Chairman and its seal to be affixed and attested by the signature of the Clerk to such Board.

**COUNTY OF FRANKLIN, VIRGINIA**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

**ASSIGNMENT**

**FOR VALUE RECEIVED**, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ this Note and all rights hereunder, and hereby irrevocably constitute and appoints \_\_\_\_\_, attorney, to transfer this Note on the books kept for its registration, with full power of substitution.

Dated: \_\_\_\_\_ Tax Identification Number of Transferee \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_

\_\_\_\_\_  
Registered Owner

(NOTE: The signature of the registered owner or owners must be guarantied by a member firm of the New York Stock Exchange or by a commercial bank or trust company.)

(NOTE: The signature above must correspond exactly with the name of the registered owner as it appears on front of this Note.)

**(RESOLUTION #09-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the aforementioned resolution as presented.

MOTION BY: Wayne Angell  
SECONDED BY: Russ Johnson  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**BOARD OF SUPERVISOR’S ORGANIZATIONAL MEETING/MONDAY, JANUARY 5<sup>TH</sup>, 2009@4:00 P.M.**

**(RESOLUTION #10-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing the Board of Supervisor’s Organizational Meeting date for Monday, January 5<sup>th</sup>, 2009 @ 4:00 P.M.

MOTION BY: David Cundiff  
 SECONDED BY: Russ Johnson  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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### **DELINQUENT TAX PENALTY & INTEREST UPDATE**

Richard E. Huff, II, County Administrator, shared with the Board language regarding **Franklin County Code Sec. 20-3. Interest on unpaid taxes.**

There is hereby adopted a charge of ten (10) percent per annum interest on any unpaid taxes commencing the first day of the first month following the due date of the unpaid taxes as advertised for the County of Franklin.

### **Code of Virginia § 58.1-3916. Counties, cities and towns may provide dates for filing returns, set penalties, interest, etc.**

Notwithstanding provisions contained in §§ 58.1-3518, 58.1-3900, 58.1-3913, 58.1-3915, and 58.1-3918, the governing body of any county, city, or town may provide by ordinance the time for filing local license applications and annual returns of taxable tangible personal property, machinery and tools, and merchants' capital. The governing body may also by ordinance establish due dates for the payment of local taxes; may provide that payment be made in a single installment or in two equal installments; may offer options, which may include coupon books and payroll deductions, which allow the taxpayer to determine whether to pay the tangible personal property tax through monthly, bimonthly, quarterly, or semiannual installments or in a lump sum, provided such taxes are paid in full by the final due date; may provide by ordinance penalties for failure to file such applications and returns and for nonpayment in time; may provide for payment of interest on delinquent taxes; and may provide for the recovery of reasonable attorney's or collection agency's fees actually contracted for, not to exceed 20 percent of the delinquent taxes and other charges so collected.

Interest may commence not earlier than the first day following the day such taxes are due by ordinance to be filed, at a rate not to exceed 10 percent per year

When taxes go unpaid after the due date, there is a penalty of 10% assessed on the day after the tax was due. On the first day of the month following the month that taxes were due, an interest calculation of 10% begins. This interest rate is set by ordinance and is shown above as Franklin County Code Sec. 20-3. Staff has been requested to look at language that would allow for some grace period in 2009 for taxes due on December 5, 2008 in recognition of several layoffs and otherwise tough economic conditions in our community. Two options are presented for the board's consideration.

#### **Option 1**

Any taxes due to Franklin County, whether such taxes be real property taxes or personal property taxes, which become delinquent on or after December 6, 2008 for the 2008 and subsequent tax years shall accrue interest as set out in Section 20-3 of the Franklin County Code beginning July 1<sup>st</sup> of the year following the due date of the delinquent taxes.

#### **Option 2**

Taxes due to Franklin County, whether such taxes be real property taxes or personal property taxes, which taxes become delinquent on or after December 6, 2008 shall not accrue interest as set for in Section 20-3 of the Franklin County Code if such taxes including any penalty applied are paid in full on or before July 1<sup>st</sup> of the year following the date such taxes were due. If such taxes are not paid in full by July 1<sup>st</sup> of the year following the date that such were due the interest provisions of Section 20-3 of the Franklin County Code shall apply as written.

**Option 1** would simply not impose any interest on the unpaid tax amount until July 1, 2009.

**Option 2** would do the same thing and in addition would make the interest calculation retroactive back to January 1, 2009 if the taxes are not paid in full by July 1, 2009. Either option can be programmed by our IT staff prior to January 1, 2009. The financial impact of either change is difficult to project, but staff believes the range is in the \$50,000 to \$70,000.

If the Board wishes to make a change, it would need to be advertised for a public hearing to amend our ordinance at our organizational meeting on January 5, 2009.

**RECOMMENDATION:**

This information is provided for the Board’s review and direction.

**(RESOLUTION #11-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to advertise for public hearing Option 1 to County Code Section 20-3 on January 5<sup>th</sup>, 2009 @ 4:00 P.M.

MOTION BY: David Cundiff  
SECONDED BY: David Hurt  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Hurt, Cundiff, Angell, Johnson, & Wagner  
NAYS: Mitchell & Thompson

THE MOTION PASSED WITH A 5-2 VOTE.

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**DELINQUENT TAX COLLECTION OPTIONS**

Richard E. Huff, II, County Administrator, stated he will be bringing back information to the Board during the January Board meeting regarding delinquent tax collection options.

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**2008 ANNUAL REPORT**

Richard E. Huff, II, County Administrator, presented the Board with the County’s 2008 Annual Report and stated copies were available upon request.

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**GOVERNMENT CENTER CHANGE ORDERS**

Richard E. Huff, II, County Administrator, presented a change order for the Government Center with a savings of \$225,942.50.

**(RESOLUTION #12-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the Government Change Order in the amount of \$225,942.50 (reduction).

MOTION BY: David Hurt  
SECONDED BY: Russ Johnson  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**COOPER’S COVE PARK DONATION**

David Hurt, Boone District Supervisor, stated he had an individual who would like to donate Sixteen (16 acres) Cooper’s Cove Park to the County. Mr. Hurt stated he knew funds would not be available to date, however, the proposal of the land donation would afford possible development at a later date.

**(RESOLUTION #13-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to accept the intent of sixteen (16 acres) for the Cooper’s Cove Park to the County with a transfer of agreement to come to the Board in January 2009 with a report and appropriate title search with the understanding a maintenance account does not guarantee development or other commitment.

MOTION BY: David Hurt  
SECONDED BY: Bobby Thompson  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**OTHER MATTERS BY SUPERVISORS**

**APPOINTMENTS:**

TLAC Citizen Appointment 1-Year Term  
TLAC Board Appointment 1-Year Term

**(RESOLUTION #14-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint David Cundiff to serve on the TLAC Board (Board Representative) and re-appoint Bob Camicia (Citizen Representative) with said term to expire 1/31/2010.

MOTION BY: Russ Johnson  
SECONDED BY: David Hurt  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

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**WESTLAKE BRANCH LIBRARY UPDATE**

David Bass, Director of Libraries, shared with the board on July 8, 2008 Franklin County opened its first branch library in the Westlake Towne Center. Since that time, the Westlake Library has become an integral part of the community, providing both educational and recreational reading materials, public access to the Internet and other computer services, classes on computer use,

programs for both adults and children, and presentations by local authors. In addition, the Library's meeting room has become a popular gathering place for civic, cultural, and intellectual groups in the Westlake area. The first five months of the Westlake Library's existence, then, can be labeled a big success, made possible by the joint effort and cooperation of the Board of Supervisors, the Library Board, the Library staff, and the community. The facility would not be nearly as nice, nor run as efficiently as it does without, first, the efforts of the Capital Campaign Committee, made up of dedicated citizens, who raised funds for supplemental furnishings and materials; and, secondly, a bevy of volunteers who assist with everyday activities. The public library at Westlake has truly become the community's library, both in the services it offers and the support it receives.

Below are a few quick facts about what the Westlake Library has achieved in the first five months it has been open.

- Over 1,600 new patrons have signed up for cards. (Note: Existing patrons at the main library did not need to re-register to checkout materials from Westlake.)
- Volunteers have put in 1,184 hours of service and that does not include the efforts of the Capital Campaign Committee.
- 1,700 books and other items donated by the public have been added to the collection.
- The Capital Campaign Committee has raised approximately \$100,000 in cash and pledges.
- In its first five months the Westlake Library has checked out over 12,500 books and other materials to the public.
- Patrons have averaged using the public access computers for over 750 sessions and nearly 430 hours a month.
- As an example of the program variety, the Westlake Library has offered classes in digital photography, genealogy on-line, and dog adoption.
- The Capital Campaign Committee has received a grant from the Carilion Foundation for both technology equipment and printed materials on health related topics. In the near future, the Library will partner with the Carilion Clinic at Westlake to provide a series of health related programs.
- There has been no decline in public activity at the main library since Westlake has opened. The borrowing of items and computer usage is in addition to what the public was doing already.
- 95% of the activity at the Westlake Branch Library is by patrons from the Moneta, Hardy, and Wirtz areas.

Report is for informational purposes only. No action is required.

Marilyn Amerson, Westlake Branch Library Manager, stated on behalf of our staff, our volunteers and the Westlake community, I would like to thank you for giving me the opportunity to speak to you today to fill you in on the success we have enjoyed at the Westlake Library. The new library *has been* very successful, and we owe much of that success to the planning and preparation that went into effect long before we ever moved the first book into the building. The community connections fostered by the CCC, Director David Bass, our Library Board, and our county government insured a sense of cooperation in the Westlake area that gives us an extremely broad base of community support—and our statistics bear this out.

One of the most astounding statistics is the number of new library cards we have issued. More than 1600 new cards have been issued since we opened in July—a truly amazing number because people who already had Franklin County cards did not need to reapply. Our usage statistics show that 95% of the people taking out materials from our library live in four zip codes—Moneta, Wirtz, Hardy, and Glade Hill. We are pleased that these patrons can take advantage of using our library while taking care of any number of shopping and grocery needs in the Westlake area.

Another astounding statistic has to do with our collection. I know that many of you have seen pictures of the “empty shelves” in our library. The Westlake residents have responded to the challenge of filling those shelves. People in the community have donated books—thousands of them. From these donations we have added more than 1700 items to our shelves. Books not added to the collection were offered in community book sales to raise money for our library. Donations of books and materials have also come from local garden clubs, the Smith Mountain Lake Quilters Guild and the Lake Writers group. These donations, combined with materials purchased with the money raised by the CCC, and supplemented by local and state funds have

increased the number of items on our shelves to 13,500—still a bit below half of our capacity. And yet, with little more than one fourth of our shelves filled, we have still checked out more than 12,500 items since our opening.

The most amazing facts about those books on our shelves is the process involved with getting them there. While volunteers perform many duties for us, the overwhelming amount of volunteer time is spent preparing materials for our shelves. Each item has to be stamped and stickered to identify it as a library item. Books must then be covered, and while the books requiring precut book jackets are fairly easy to cover, more than half our books must be covered with a self adhesive clear wrap and trying to cover a book with that material is much like trying to wrap a giraffe in fly paper without leaving any wrinkles. But our volunteers have persevered. They have logged an incredible 1,184 hours for us since June and they have prepared an estimated 90% of the materials on our shelves—that is—roughly 12,000 of the 13,500 volumes we have added to our collection to date. Our volunteers are obviously hard-working civic minded people. The volunteer program is another detail that was in place when we arrived on the scene and we thank Bonnie Johnson and Volunteer coordinator Sonya Riche for the wonderful core of workers who support us every day.

The Westlake Library offers many services to our community. One of those services involves space. Our community room provides space for groups to meet. In the 16 days we were open in November, our room was used by 12 different groups. These groups include Booker T. Washington's book club, the Lake writers, the Chamber of Commerce, and the Happy Hookers who, just so you know, is a group of very talented ladies who make beautiful hooked rugs. We are excited about the possibilities for this room in the future. Mr. Bass has secured a grant through the Carilion Foundation that will add an active board to our meeting room. This is an interactive board that allows a person to make a presentation directly from the board rather than from a computer hooked up to a projector. We will partner with Carilion to use this equipment to present informative health programs, and also, work with groups in the community who wish to learn about and use this technology.

Another service we offer the community is quality children's programs. Our children's librarian, Pamela Palmer, is a dynamic, talented individual who encourages reading among the youngsters in the community by providing story hours and toddler times, visiting classrooms in the local elementary school (and preschools) and providing tours to the school groups that visit our library. She also selects the children's books that support the curriculums and reading initiatives in our local schools. Pam partners with the Jefferson College of Health Sciences in a program that brings, each month, a physician's assistant in training to present programs that focus on promoting healthy lifestyles for youngsters. Also, she has plans to work with the Good Neighbor's program this summer—a summer program at local elementary schools that pairs volunteers with children who need help with their reading.

The primary focus of the library is education and the most important element of education these days is technology, which in itself, has become an important educational tool for all ages. Our public computers average about 750 sessions and nearly 430 hours of monthly public computer use. One of the pictures in your handout is of the three Booth children—Will, Dani and James—whose mother brings them to the library each week to complete their assignments on our computers. We have downloaded free applications like Quicktime and flash players to allow distance learning students to access their courses on line, and quite a few students bring their laptop computers in to study in our quiet room. These students use our free wi-fi, and the students include a firefighter who spent several afternoons in our library (with his own laptop) studying for his EMT exam. For the over-fifty crowd, we have opened our doors on several Monday mornings (a time when we are usually closed) to offer basic instruction on technology topics. A local photographer held a program on digital photography. We also offered basic sessions on searching the Internet and brought in our genealogist to teach people how to use our online databases to access census records. These seniors all had different reasons for taking these classes--Some were interested in learning to move digital pictures from their cameras to their computers, some wanted to learn how to open email attachments to see pictures of their grandchildren, but some were people who, because of the current economic climate, may need computer skills to reenter the workforce.

Finally, a change in the way information is accessed has moved libraries into an important position. I know that some of you remember when satellite TV first hit the scene. You could watch any channel you wanted free of charge. Now you have to pay someone like DishNetwork and pay them well. Something similar to this is happening with the Internet and the availability of

information. Companies are compiling databases of useful information and then charging for access to that information. Our library has access to several of these databases. Our patrons can access entire magazine and newspaper articles online thanks to a database that is provided through the Library of Virginia. Our patrons can research their ancestry by accessing census records from anyplace in the United States, and our newest database allows our patrons to access information on automobile repairs. Many of you are familiar with the hefty-sized Chilton repair manuals that were the standard for anyone fixing up their own vehicle. Chilton's manuals can cost as much as \$100 each and can cover only a few vehicles. Our database provides information on all makes and models and even has information on wiring diagrams that the repair manuals often leave out. And, most importantly, our patrons can access this information at our libraries, from home, or from any Internet connected computer. The information is free—all you need is a Franklin County Library card.

It is well documented that libraries are popular places in times of economic hardship, and news reports from around the country including Fox news and MSNBC report that the number of people who have library cards has reached an all time high, and that libraries around the country are helping to provide materials and technologies in an economic downturn that is more serious than anything most of us have witnessed in our lifetimes. The headlines in a recent edition of the New York Daily News may have said it best—"When the going gets tough, the tough get going—to their local libraries," and we are grateful that we have now have a local library in the Westlake area. We would like to thank the members of the Capital Campaign Committee, the county administration, the county's outstanding IT and General Properties departments, Ron Willard, Director David Bass, our library board, all of our wonderful volunteers, the entire Westlake community and you—the members of the Board of Supervisors. We thank you for giving us the opportunity to serve, assist and support the good people in this county.

Bonnie Johnson, Westlake Branch Library Capital Funds Chairperson, shared with the Board

Jim Morrison, Capital Funds Chairman, presented an overview of the goals, initiatives, results to date, and future activities of the WLCC.

- Our committee has set a goal of raising \$200,000. As part of this goal, we hope to acquire 10,000 books or items for the library.
- Early in 2008, we sent letters to some 400 businesses, potential major individual donors, other individuals or couples, and clubs.
- We made calls or visits to many potential major donors, and we've submitted grant applications to several foundations
- Two of our members are teachers, & they organized campaigns at schools.
- As mentioned, we've invited the public to donate used books for the shelves or to be sold, and we've conducted book sales. We've also invited the public to purchase new books in memory or honor of loved ones.
- And we've placed signs on empty shelves inviting the public to help fill the shelves & have placed a "Bucks for Books" donation jar in the library.
- To date as a result of these initiatives, a total of nearly 200 individuals/couples/businesses/schools/clubs/foundations have made donations/pledges
- We're approaching \$100,000 in contributions or pledges. -- We're especially pleased that 5 elementary schools raised over \$1,300.
- Beyond this \$100,000 in money, as Bonnie mentioned, some 1,700 actual books have been donated and placed on the shelves, which we estimate would be worth about \$22,000 if purchased new.
- As for the future of the campaign, we plan to continue pursuing gifts from major individual donors and foundations and others.
- We've recently sent letters to selected businesses encouraging 2009 gifts.



- And we're planning more book sales & programs to encourage donations.

- Finally, I'd like to second what Bonnie Johnson has said about how thrilled the community is to have the WL. It's becoming a hub for learning, communication, and recreation. In my view, the library in Rocky Mount and now the branch in Westlake will be two of the finest legacies your BOS will leave Franklin County, and I'd like to commend you for your support of the libraries. Goals (\$200,000) to purchase books and overview of campaign project.

In closing, Mr. Morrison thanked the Board for the County libraries.

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### **PHASE 1.2 ZONING UPDATE**

Neil Holthouser, Director of Planning and Community Development, advised the Board in October 2007, the Franklin County Board of Supervisors approved a series of amendments to the Zoning Ordinance in an effort to address conflicts, inconsistencies and deficiencies of immediate concern. This set of amendments, referred to as "Phase 1," was part of a two-stage project to update the County's land use and development regulations. "Phase 2" will consist of a general overhaul of the Zoning and Subdivision ordinances, scheduled for 2009-2010.

As staff embarks on the Phase 2 update, the Board has asked staff to consider subsequent amendments to address additional immediate concerns. This process, known as "Phase 1.2," presently includes the following topics:

- Revised standards for outdoor lighting
- Revised standards for signs, to address signs on vehicles and mobile platforms
- Provisions allowing for the use and location windmills as an alternative energy source
- Research and exploration of various ridge-top protection techniques

At this time, staff has prepared draft ordinance language to address: a) outdoor lighting; and b) signs on vehicles and mobile platforms. Copies of the draft ordinance amendments will be presented to the Board at its December 16, 2008 meeting.

### **RECOMMENDATION:**

Staff recommends that the Board authorize amendments to the Zoning Ordinance for: a) outdoor lighting; and b) signs on vehicles and mobile platforms. Once authorized, staff will schedule these items for public hearing before the Planning Commission. General discussion ensued.

### **Phase 1.2 Zoning Ordinance Update**

#### **OUTDOOR LIGHTING**

The following draft ordinance language is intended to clarify the County's outdoor lighting standards with respect to:

- **Street lighting;**
- **Site lighting;**
- **Building lighting;**
- **Sign lighting; and**
- **Landscape lighting.**

The following draft amendments are intended to serve as the basis of preliminary discussions by the Board of Supervisors, and have not been subjected to legal review. Pending Board discussion and direction, staff will revise and refine the amendments with input from legal counsel.

The Board may:

1. Authorize an amendment to the Zoning Ordinance re: outdoor lighting, based on the attached draft and subject to legal review and revisions, and schedule for public hearing before the Planning Commission; or
2. Request that staff revise and refine the draft language and return to the Board for additional review and comment prior to authorizing public hearing.

## ARTICLE I. General Provisions

### DIVISION 3. DEFINITIONS.

#### Sec. 25-40. Principal definitions of the Zoning Ordinance.

Lighting, building. Lighting that is intended to illuminate the exterior of a building, and which is housed in a lighting fixture that is attached to the building intended to be illuminated.

Lighting, full horizontal cut-off. A lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the lighting fixture, and which effectively precludes light trespass in an upward direction.

Lighting, full vertical cut-off. A lighting fixture from which no light output is emitted at or behind a vertical plane drawn through the front of the lighting fixture, and which effectively precludes light trespass in a direction opposite of that which the light source is intended to illuminate.

Lighting, landscape. Lighting that is intended to illuminate a landscape area or feature, and which is contained in a lighting fixture that is not attached to any building or structure.

Lighting, outdoor. Lighting which emanates from an outdoor light source, and which is intended to illuminate any outdoor area, where such area to be illuminated is visible from the public right-of-way, private streets, or adjoining properties.

Lighting, sign. Lighting that is intended to illuminate a sign.

Lighting, site. Lighting that is intended to illuminate improved areas of a site, including parking lots, driveways, sidewalks, pathways, storage areas, display areas, and service areas.

Lighting, street. Lighting that is intended to illuminate a public right-of-way or private street.

## ARTICLE II. Basic Regulations

### DIVISION 4.1 SIGN REGULATIONS

#### Sec. 25-156.5. Sign permits.

(f) All applications for a sign permit which includes lighting shall include a lighting plan. All lighting fixtures shall be located at the top of the sign face when external illumination is proposed. All such fixtures shall be shielded and directed downwards so that the light source is directed towards the sign face and is not visible from adjacent properties and roads. Outdoor advertising signs of the type constructed of translucent materials and illuminated from within, do not require shielding. In no case shall direct or reflective illumination exceed 0.25 footcandles as measured at any point twenty-five (25) feet from the light source.

### DIVISION 4.2. OUTDOOR LIGHTING

#### Sec. 25-157.1 Intent

The purpose of this Division is to promote the general welfare by controlling light trespass and to protect the public safety through the prevention of glare by regulating the size, height, placement, direction and intensity of outdoor lighting in a manner that:

- (a) Permits the reasonable use of outdoor lighting for safety, utility, commerce, and security;
- (b) Minimizes glare and obtrusive light on public streets and adjacent properties by controlling the direction and intensity of light;
- (c) Preserves night skies, to the extent practicable, by directing light downward or otherwise controlling for upward-escaping light; and
- (d) Protects residential neighborhoods by limiting light trespass.

#### Sec. 25-157.2. Applicability

- (a) The regulations of this Division shall apply to the installation or replacement of any outdoor lighting that is associated with:
  - (1) The submittal of a site development plan, as required by Sec. 25-668 of this Chapter;
  - (2) The submittal of an application for sign permit, as required by Sec. 25-156.5 of this Chapter; or
  - (3) Any building, structure, site or lot that is located in a non-residential or non-agricultural zoning district, and is not residential or agricultural in use.
- (b) The routine maintenance of any existing outdoor lighting fixture, including the changing of lamps or light bulbs, housing, lenses or other similar components, does not constitute replacement and shall not be subject to the requirements of this Division.

#### Sec. 25-157.3. Exempt

The following outdoor lighting shall be exempt from the requirements of this Division:

- (a) Security lighting controlled by motion sensors which provides illuminations for fifteen (15) minutes or less;
- (b) Landscape lighting on properties devoted to single-family residential use;
- (c) Dusk to dawn lighting used for agricultural purposes;
- (d) Temporary lighting for holiday decoration or civic occasions;
- (e) Temporary lighting for construction purposes;
- (f) Lighting required and regulated by the Federal Aviation Administration;
- (g) Lighting of the flag of the United States of America or the Commonwealth of Virginia, or other noncommercial flags expressing constitutionally protected speech.

#### **Sec. 25-157.4. Street Lighting**

The following standards shall apply to street lighting:

- (a) Street lights shall be located and arranged so that light output does not exceed 0.5 footcandles at any point that is fifty (50) feet from the light source, as measured horizontally from the base of the light fixture or pole.
- (b) Street lights shall be located and arranged so that light output does not exceed 0.5 footcandles at the side or rear property lines.
- (c) Street lights shall be limited to 20 feet in height, as measured from grade at a point directly below the light source.
- (d) Street lights fixtures shall be down-casting and full horizontal cut-off.

#### **Sec. 25-157.5. Site Lighting**

The following standards shall apply to site lighting:

- (a) Site lighting shall be located and arranged so that light output does not exceed 0.5 footcandles at the front, side, and rear property line.
- (b) Site lights shall not exceed 35 feet in height, as measured from grade at a point directly below the light source, except for the lighting of public recreational facilities, where such lighting shall not exceed 80 feet in height.
- (c) Site lighting fixtures shall be down-casting and full horizontal cut-off.

#### **Sec. 25-157.6 Building Lighting**

The following standards shall apply to building lighting:

- (a) Building lights shall be located and arranged so that light output does not exceed 0.5 footcandles at the front, side, and rear property lines.
- (b) Building light fixtures shall be down-casting and full horizontal cut-off, except as allowed elsewhere in this section.
- (c) Up-casting building lights shall be permitted if:
  - (1) The light source is directed toward the building;
  - (2) The light source is shielded from view from all public rights-of-way, private streets, and adjoining properties;
  - (3) The light source is contained within a full vertical cut-off fixture; and
  - (4) The distribution of light emanating from the light source is contained by a projecting or overhanging architectural building element which prevents light trespass beyond the building façade and roof line.

#### **Sec. 25-157.7 Sign Lighting**

The following standards shall apply to sign lighting:

- (a) Internally-illuminated signs shall have an opaque background with translucent text and/or symbols, or a translucent background that is not white, off-white, or yellow in color. Light output from internally illuminated signs shall not exceed 0.25 footcandles at the front, side, and rear property lines.
- (b) Externally-illuminated signs may be lighted by:
  - (1) An attached lighting fixture which is attached to the sign face or sign structure, provided that the lighting fixture is downward-casting and full horizontal cut-off. The light source shall be shielded from view from public rights-of-way, private streets, and adjoining properties. Light output shall not exceed 0.25 footcandles at the front, side, and rear property lines.
  - (2) A detached lighting fixture which is physically separate from the sign face and sign structure, provided that the light source is directed toward the sign, is shielded from

view from public rights-of-way, private streets, and adjoining properties, and is contained within a full vertical cut-off fixture. Light output shall not exceed 0.25 footcandles at the front, side, and rear property lines.

### **Sec. 25-157.8 Landscaping Lighting**

The following standards shall apply to landscape lighting:

- (a) Landscape lighting shall be located and arranged so that light output does not exceed 0.25 footcandles at the front, side, and rear property lines.
- (b) Landscape light fixtures shall be down-casting and full horizontal cut-off, except as allowed elsewhere in this section.
- (c) Upcasting landscape lights shall be permitted if:
  - (1) The light source is directed toward a building, structure, wall or landscape feature;
  - (2) The light source is shielded from view from all public rights-of-way, private streets, and adjoining properties;
  - (3) The light source is contained within a full vertical cut-off fixture; and
  - (4) The distribution of light emanating from the light source is contained by a projecting or overhanging architectural or landscape element which prevents light trespass beyond the building, structure, wall or landscape feature that is intended to be illuminated.

### **25.157.9. Nonconforming Outdoor Lighting**

If any outdoor lighting is lawfully in existence at the time of adoption or amendment of this chapter which does not conform to the provisions of this chapter, such outdoor lighting fixtures may be continued, provided that no change shall be made which increases the degree or extent of nonconformity with the provisions of the Division as adopted or amended.

## **ARTICLE V. Procedure**

### **DIVISION 4. Site Development Plan**

#### **Sec. 25-677. Minimum standards and improvements required.**

- (l) *Outdoor lighting and street lights:* Residential uses requiring site plan approval, exclusive of single family detached, shall be required to provide lighting for parking areas and pathways. Commercial uses conducting regular business after dark shall have appropriate safety lighting in parking areas and along pathways leading from these areas to the buildings. ~~Unless otherwise approved by the zoning administrator in consideration of the fulfillment of a design theme of a project, all lighting shall be shielded and directed downward so that the light source is shielded from direct view from all adjoining parcels and roads. All lighting shall be arranged and installed so that direct or reflective illumination does not exceed 0.5 footcandles above background levels, measured at the property line. The height of all light poles and related structures shall not exceed the scale of the structure of which it serves. In no case shall the measured height of the poles and related structures exceed thirty five (35) feet, except for public recreational facilities where the measured height cannot exceed eighty (80) feet.~~

### **SIGNS ON VEHICLES**

**The following draft ordinance language is intended to clarify the County's sign standards with respect to signs located on vehicles and mobile platforms.**

**The following draft amendments are intended to serve as the basis of preliminary discussions by the Board of Supervisors, and have not been subjected to legal review. Pending Board discussion and direction, staff will revise and refine the amendments with input from legal counsel.**

**The Board may:**

- 3. Authorize an amendment to the Zoning Ordinance re: signs on vehicles, based on the attached draft and subject to legal review and revisions, and schedule for public hearing before the Planning Commission; or**
- 4. Request that staff revise and refine the draft language and return to the Board for additional review and comment prior to authorizing public hearing.**

**Article I. General Provisions**

**Division 3. Definitions**

Sec. 25-40. Principal definitions of the Zoning Ordinance

Sign, Portable: A sign consisting of a fixed message or a changeable message panel, which sign is not attached to a building or anchored within the ground and is capable of being moved easily from one location to another on its own chassis or by other means. A sign which is not permanently affixed to the ground or other structure and which is designed or constructed in such manner that it can be moved or relocated without involving any structural or support changes. Portable signs shall be on premise signs.

**Article II**

**Division 4.1. Sign Regulations.**

Sec. 25-156.4. Prohibited signs.

The following signs shall prohibited:

- (a) Roof-mounted signs.
- (b) Any sign displayed on a stationary motor vehicle or trailer shall be deemed to be used primarily for the purpose of and serving the function of a portable sign, except for the following:
  - 1. When such motor vehicle or trailer is parked in the operator’s driveway;
  - 2. When such motor vehicle or trailer is parked at a business or commercial building and is not visible from adjacent public roads or on the parking area of the premise on which the business advertised on the motor vehicle or trailer is located;
  - 3. When such vehicle or trailer is being loaded or unloaded as part of its normal business use;
  - 4. When the operator of such motor vehicle or trailer is parked in a designated parking area for a business in which the operator is conducting legitimate business or activity.

General discussion ensued.

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**(RESOLUTION #15-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing by the Planning Commission proposed amendments to the County’s Outdoor Lighting Ordinance as presented.

MOTION BY: David Hurt  
SECONDED BY: David Cundiff  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

\*\*\*\*\*

**SIGN ORDINANCE**

Neil Holthouser, Director of Planning and Community Development, shared with the Board the proposed Sign Regulations, Chapter 25-156.4 as follows:

**Phase 1.2 Zoning Ordinance Update**

**Signs on Vehicles**

The following draft ordinance language is intended to clarify the County’s sign standards with respect to signs located on vehicles and mobile platforms.

The following draft amendments are intended to serve as the basis of preliminary discussions by the Board of Supervisors, and have not been subjected to legal review. Pending Board discussion and direction, staff will revise and refine the amendments with input from legal counsel.

The Board may:

- 5. Authorize an amendment to the Zoning Ordinance re: signs on vehicles, based on the attached draft and subject to legal review and revisions, and schedule for public hearing before the Planning Commission; or
- 6. Request that staff revise and refine the draft language and return to the Board for additional review and comment prior to authorizing public hearing.

Article I. General Provisions

Division 3. Definitions

Sec. 25-40. Principal definitions of the Zoning Ordinance

Sign, Portable: A sign consisting of a fixed message or a changeable message panel, which sign is not attached to a building or anchored within the ground and is capable of being moved easily from one location to another on its own chassis or by other means. A sign which is not permanently affixed to the ground or other structure and which is designed or constructed in such manner that it can be moved or relocated without involving any structural or support changes. Portable signs shall be on premise signs.

Article II

Division 4.1. Sign Regulations.

Sec. 25-156.4. Prohibited signs.

The following signs shall prohibited:

- (c) Roof-mounted signs.
- (d) Any sign displayed on a stationary motor vehicle or trailer shall be deemed to be used primarily for the purpose of and serving the function of a portable sign, except for the following:
  - 5. When such motor vehicle or trailer is parked in the operator’s driveway;
  - 6. When such motor vehicle or trailer is parked at a business or commercial building and is not visible from adjacent public roads or on the parking area of the premise on which the business advertised on the motor vehicle or trailer is located;
  - 7. When such vehicle or trailer is being loaded or unloaded as part of its normal business use;
  - 8. When the operator of such motor vehicle or trailer is parked in a designated parking area for a business in which the operator is conducting legitimate business or activity.

The Board directed staff to continue working on the Sign Ordinance and report back to the Board at a later date.

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**220 CORRIDOR STUDY**

Neil Holthouser, Director of Planning & Community Development, stated the 220 Corridor Study would be discussed at a meeting on January 20, 2009 @ 6:00 P.M., in the Meeting Room of the Board of Supervisors.

Copies of the draft 220-North Corridor Plan were distributed to the Board of Supervisors.

David Hurt, Boone District Supervisor, shared with each Board member a letter shared with each Planning Commission member expressing his comments, concerns and questions regarding the Draft 220-North Corridor Study.

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Chairman Wagner recessed the meeting for dinner.

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Chairman Wagner called the meeting to order and recessed the meeting for the previously advertised public hearings as follows:

**PUBLIC HEARING NOTICE**

The Franklin County Board of Supervisors will hold the following public hearing on **Tuesday, December 16<sup>th</sup>, 2008 @ approximately 6:00 P.M.**, in the Board of Supervisors Meeting Room, Franklin County Courthouse, Rocky Mount, Virginia.

The proposed public hearing will be held to receive public comment on a request made by the Franklin County Historical Society, Inc. to receive exemption from **taxation on real estate** owned by Franklin County Historical Society, Inc. The estimated assessed value for the following property is as follows:

MAP NUMBER	DESCRIPTION	LAND VALUE	TOTAL TAX DUE
207.00-539.00	Land	\$104,000.00	
	(Building Value)	\$143,500.00	
<b>TOTAL:</b>		\$247,500.00@\$.46/\$100	<b>\$1,138.50*</b>



Billy Kingery, President, Franklin County Historical Society, Inc. presented the request.

**(RESOLUTION #16-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve exemption from taxation on real estate owned by the Franklin County Historical Society, Inc. as advertised.

MOTION BY: Wayne Angell  
SECONDED BY: Russ Johnson  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Hurt, Cundiff, Angell, Johnson, Thompson & Wagner  
ABSENT: Mitchell

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***Petition of Paul V. and Jeanne A. Miller, Petitioners/Owners, requesting a rezone*** from B-1, Business District Limited, to B-2, Business District General, on a +/- 2.722 acre parcel for the purpose of a nursery/landscaping/irrigation business with outdoor display of products. The current B-1 and the proposed B-2 zoning districts do not prescribe a specific density. The property is located on Scruggs Road past the intersection of Route 942, adjoining Scruggs Lake Mart and Deli, in the Gills Creek Magisterial District of Franklin County, and is identified on Franklin County Real Estate Tax Records as Tax Map # 32, Parcel # 41. (Case # REZO-10-08-3507)

Aaron Burdick, Senior Planner, presented the following PowerPoint Staff report:


### SITE DETAILS

Tax Map Number:  
32-41

Size:  
+/-2.722 acres

Gills Creek Magisterial District



Applicant and Owner:  
Paul V. Miller and  
Jeanne A. Miller



12/16/2008

### EXISTING CONDITIONS

- Vacant lot
- Gentle slopes
- Primarily grass field with some trees
- Surrounded by B-2 and A-1 properties



Miller Nursery

2

3

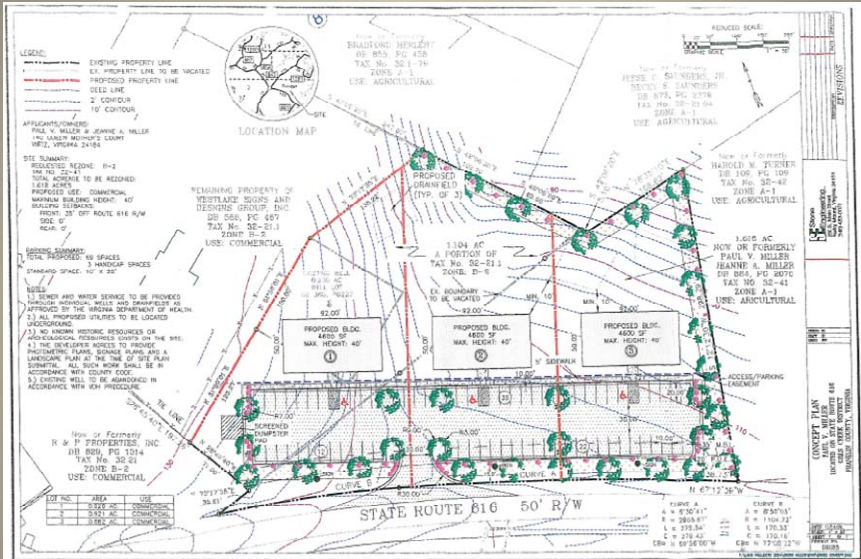
# PREVIOUS REQUEST

- Rezone from A-1 to B-2
  - Retail sales, general commercial business uses, and/or office space
  - Proffers
  - Concept Plan
- PC Recommended Rezone to B-1
- BOS Approved Rezone to B-1

12/16/2008

Miller Nursery

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Old Concept Plan

12/16/2008

Miller Nursery

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## REQUESTS

### CASE# REZO-10-08-3507

- Rezone from B-1 to B-2 with proffers
- Landscape/nursery/irrigation business
- 3,000 square foot office/indoor display area
- 3,000 square foot green house

### CASE# SPEC-11-08-3696

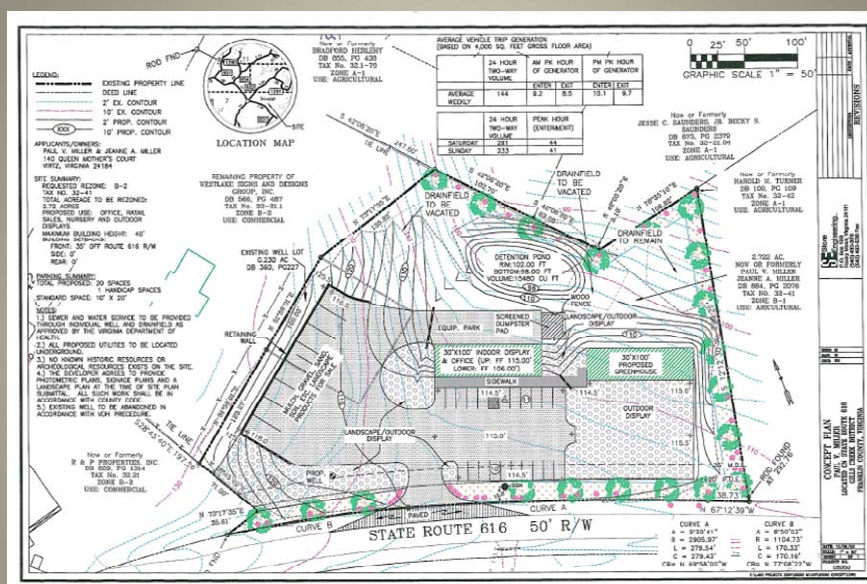
- Outdoor display on business property in conjunction with landscape/nursery/irrigation business



12/16/2008

Miller Nursery

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## New Concept Plan

12/16/2008

Miller Nursery

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## PLANNING COMMISSION SUGGESTED PROFFERS

1. Substantial Conformance to Concept Plan
2. Single Access Entrance
3. Commitment to Underground Utilities
4. Materials for Retail/Office Buildings
5. Roofing Materials
6. Building Elevations Submitted with Site Plans
7. Limit on Signage to One Monument Style Sign

12/16/2008

Miller Nursery

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## SUGGESTED PROFFERS

### Continued

8. Utilize County Water
9. Landscape Buffer
10. Limit Retail Sales and Prohibit Outdoor Display of Large Equipment
11. No Pole Mounted Lighting for Outdoor Display
12. Prohibit All Other B-2 Uses
13. Prohibit On-Site Manufacturing

12/16/2008

Miller Nursery

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## PLANNING COMMISSION SUGGESTED CONDITIONS

1. Substantial Conformance to Concept Plan
2. Landscape Buffer
3. Outdoor Display Limited
4. Prohibit Outdoor Display if Large Equipment
5. No Pole Mounted Lighting for Outdoor Display
6. Screening

12/16/2008

Miller Nursery

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Clyde Perdue, Attorney, presented the project as advertised and briefed the Board on the revised project proffers.

Erick Ferguson, Attorney, representing the Turner and Thurman families. Mr. Ferguson stated his clients were opposed to the rezone and special use permit. Mr. Ferguson requested the Board to deny the request and consider the long term impact, the value of their property and quality of life of the existing landowners.

The following people spoke in opposition of the proposed project:

Don Byrd, adjoining property owner, stated he and his father were adjoining property owners to the proposed project. Mr. Byrd requested the Board have the Miller's place a burm along the front of the greenhouse in sight of Scruggs Road.

General discussion ensued.

**(RESOLUTION #17-12-2008)**

**NOW THEREFORE BE IT ORDAINED** by the Board of Supervisors to approve the aforementioned rezoning with proffers, whereby the proposed rezoning will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended with the following proffers and deviations:

Proffers for Case # REZO-10-08-3507, Paul V. and Jeanne A. Miller:

1. Development of the property shall be in substantial conformance with the Concept Plan made by Stone Engineering dated October 6, 2008, filed with the Planning Department in regard to this rezoning request.
2. Access for the proposed development shall be restricted to a single access entrance located, generally, as shown on the concept plan.
3. All proposed utilities shall be located underground.
4. Materials for the retail/office building exterior walls may include, but not be limited to brick and wood clapboards, and walls will be articulated through the use of window and door openings, belt courses, pilasters and other similar architectural treatments.
5. Roofing materials for pitched roofs shall be metal or composite shingle. Flat roofs shall have a parapet wall tall enough in height to screen any roof mounted mechanical equipment. Buildings with flat roofs shall have a decorative cornice at the top of all walls.
6. Building elevations shall be included with any site plan submission.
7. Developer shall limit free standing signage to one monument style sign, not to exceed eight (8') feet in height and a total of thirty-two (32) square feet in total sign area. Sign to be located at the main entrance.

8. Prior to the issuance of any development permits, the applicant shall utilize a County Water main, should one be accessible, instead of the individual well to serve the site. If so, applicant reserves the right to use the well for irrigation purposes only.

9. At a minimum, there shall be a landscape screen buffer planted along the eastern property line with the Turner property as shown on the Concept Plan. The buffer shall be planted so it does not interfere with VDOT sight distance requirements. The buffer shall consist of two (2) rows of Leland Cypress planted ten (10) foot on center with staggered rows planted five (5) feet apart. Minimum height shall be six (6) feet at time of planting. Unless it should be determined that twelve (12) foot center with staggered rows planted on six (6) foot center is determined by professional advise to the Planning Department to provide a better screen for the Turner property.

10. Retail sales shall be limited to sales for lawn/garden, landscape/hardscape, irrigation services, plants, shrubs, trees, materials, supplies and services related to the same. Outdoor display of large equipment shall be prohibited.

11. No pole mounted lighting shall be allowed for outdoor displays.

12. On-site manufacturing is prohibited.

13. The septic field identified on the Concept Plan "Drainfield to Remain" shall be relocated to be 25' west of the common boundary/division line with the Turner property (Tax Map/Parcel # 32.-42). Provided however if the soils will allow the field to be relocated fifty (50') west of the Turner property; relocation from Turner property will be to fifty (50') but if not to such additional distance as allowable for the use of gravity flow.

14. If use other than that provided for by this application is proposed, such use will be subject to a separate application in order to provide for such use.

15. Hours of operation shall be limited to 7:00 A.M. to 9:00 P.M.

MOTION BY: Russ Johnson

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

ABSENT: Mitchell

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***Petition of Paul V. and Jeanne A. Miller, Petitioners/Owners, for property currently zoned B-1, Business District Limited, to apply for a special use permit*** with conditions on a +/- 2.722 acre parcel for the purpose of outdoor display of products for a nursery/landscaping/irrigation business. This is concurrent with a request to rezone the property from B-1, Business District Limited to B-2, Business District General, for the purpose of a nursery/landscaping/irrigation business. The Comprehensive Plan for Franklin County does not prescribe a density range for the B-1 or B-2 districts. The property is located on Scruggs Road past the intersection of Route 942, property adjoining Scruggs Lake Mart and Deli, in the Gills Creek Magisterial District of Franklin County, and is identified on Franklin County Real Estate Tax Records as Tax Map # 32, Parcel # 41. (Case # SPEC-11-08-3696)

**(RESOLUTION #18-12-2008)**

**NOW THEREFORE BE IT ORDAINED**, by the Board of Supervisors to approve the special use permit with the conditions as discussed for uses as provided in this chapter finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base. Approval with the following conditions:

**Conditions for Case # SPEC-11-08-3696, Paul V. and Jeanne A. Miller:**

1. Development of the property shall be in substantial conformance with the Concept Plan made by Stone Engineering dated October 6, 2008.
2. Outdoor display of materials and product shall be limited to items associated with the nursery/irrigation/landscape business.
3. Outdoor display of equipment used in conjunction with loading, unloading, or transferring of mulch, soil, sand, stone, gravel, or other aggregate materials, shall be prohibited.
4. No pole mounted lighting shall be allowed for outdoor displays.
5. Outdoor display of mulch, soil, sand, stone, gravel, or other aggregate materials shall be screened from public view from Rt. 616 via some combination of landscaping, earthwork,

or fencing, measuring a minimum of six feet in height, with such screening running generally parallel to Rt. 616, and located generally west of the proposed site entrance on Rt. 616 and continuing to the western property line.

MOTION BY: Russ Johnson  
SECONDED BY: David Hurt  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Hurt, Cundiff, Angell, Johnson, Thompson & Wagner  
ABSENT: Mitchell

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**CLOSED MEETING**  
**(RESOLUTION #19-12-2008)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-1, Personnel and a-3, Acquisition of Land and a-29, New Contracts of the Code of Virginia, as amended.

MOTION BY: Russ Johnson  
SECONDED BY: David Cundiff  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Hurt, Cundiff, Angell, Johnson, Thompson & Wagner  
ABSENT: Mitchell

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MOTION: David Cundiff  
SECOND: David Hurt  
WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and  
WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;  
NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.  
VOTE:  
AYES: Hurt, Cundiff, Angell, Johnson, Thompson & Wagner  
NAYS: NONE  
ABSENT DURING VOTE: Mitchell  
ABSENT DURING CLOSED SESSION: Mitchell

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Chairman Wagner recessed the meeting.

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CHARLES WAGNER  
CHAIRMAN

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RICHARD E. HUFF, II  
COUNTY ADMINISTRATOR